

UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA  
SOUTHERN DIVISION

BLAIR CHRISTOPHER HANLOH,

No. SA CV 17-00113-JLS (DFM)

Petitioner,

ORDER SUMMARILY  
DISMISSING PETITION

V.

PEOPLE OF THE STATE OF  
CALIFORNIA,

### Respondent.

On January 23, 2017, Blair Christopher Hanloh (“Petitioner”) filed three petitions for writ of habeas corpus under 28 U.S.C. § 2254 in this Court, each challenging different state-court convictions. In the instant case, No. SA CV 17-00113-JLS (DFM) (“Petition”),<sup>1</sup> Petitioner challenges his August 2012 convictions, following a jury trial in Orange County Superior Court, for five counts of recording a false instrument. See People v. Hanloh, Nos. G049417, G049525, 2015 WL 2265697 (Cal. App. May 13, 2015); People v. Hanloh, No. G049417, 2016 WL 1166382 (Cal. App. Mar. 24, 2016); see also Orange Cty.

<sup>1</sup> Citations to the Petition use the pagination provided by CM/ECF.

1 Superior Ct. Case Access, [https://ocapps.occourts.org/Vision\\_PublicNS/](https://ocapps.occourts.org/Vision_PublicNS/)  
 2 (search for case no. 10CF1450). Petitioner received a four-year prison sentence  
 3 for those convictions. Petition at 1; see also *Hanloh*, 2015 WL 2265697, at \*1.<sup>2</sup>

4 On February 6, 2017, the Magistrate Judge ordered Petitioner to show  
 5 cause why all three of the January 23 petitions should not be dismissed. Dkt. 4  
 6 (“OSC”). Regarding the Petition in this case, the Magistrate Judge observed  
 7 that the Court appeared to lack jurisdiction because at the time the Petition  
 8 was filed, Petitioner was no longer in jail and did not appear to be serving a  
 9 probation or parole term for the challenged convictions; thus, he was not “in  
 10 custody” for the purposes of § 2254. See OSC at 3-4. The Magistrate Judge  
 11 noted that according to publicly available case information, it appeared that  
 12 Petitioner might be on probation for the convictions challenged in one of his  
 13 other January 23 petitions, SACV 17-00116-JLS (DFM), and the Magistrate  
 14 Judge therefore ordered Petitioner to “clarify whether he received a term of  
 15 probation in that case and when it expired or is set to expire.” OSC at 4, 9. The  
 16 Magistrate Judge further found that the Petition in this case must be dismissed  
 17 under Rule 4 of the Rules Governing § 2254 Cases in U.S. District Courts  
 18 because all of its claims, which challenged Petitioner’s convictions through the  
 19 operation of the Uniform Commercial Code (“UCC”), were frivolous. See

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21 <sup>2</sup> Petitioner filed two previous state habeas petitions in this Court. The  
 22 first petition, in case number SA CV 15-01540-JLS (DFM), was dismissed  
 23 without prejudice because it challenged an ongoing state criminal proceeding  
 24 and was unexhausted. See *Blair Christopher Hanloh v. Sandra Hutchens*, No.  
 25 15-01540 (C.D. Cal. Dec. 21, 2015), Dkt. 4 (report and recommendation); *id.*  
 26 (C.D. Cal. Mar. 7, 2016), Dkts. 9 & 10 (order accepting and judgment). The  
 27 second petition, in case number SA CV 15-01681-JLS (DFM), was dismissed  
 28 with leave to amend because it failed to raise a federal constitutional claim and  
 was unexhausted. Blair Christopher Hanloh v. Sandra Hutchens, No. 15-  
 01681 (C.D. Cal. Dec. 21, 2015), Dkt. 3 (order dismissing petition with leave  
 to amend).

1 OSC at 5-8.

2 On February 28, 2017, Petitioner filed a response to the Order to Show  
 3 Cause. Dkt. 5 (“Response”). In it, Petitioner summarily states that he is “on  
 4 probation,” but despite the Magistrate Judge’s explicit order to provide more  
 5 information, Petitioner nowhere explains which of his convictions resulted in  
 6 that probation or how long the term was. See Response at 4. Thus, he has not  
 7 shown that he was on probation—and therefore “in custody”—as the result of  
 8 the convictions challenged in this Petition. See Maleng v. Cook, 490 U.S. 488,  
 9 490-91 (1989) (“We have interpreted the statutory language as requiring that  
 10 the habeas petitioner be ‘in custody’ under the conviction or sentence under  
 11 attack at the time his petition is filed.”); accord Bailey v. Hill, 599 F.3d 976,  
 12 978-79 (9th Cir. 2010). Petitioner also fails to show that his claims have any  
 13 merit; rather, he points to 27 C.F.R. § 72.11, which defines terms related to  
 14 certain federal regulations, as proof that “all crimes are commercial” and then  
 15 he repeats some of the Petition’s arguments regarding the UCC. See OSC at 3-  
 16 5. As such, the Petition must be dismissed for lack of jurisdiction and because  
 17 it is frivolous. See Bailey v. Hill, 599 F.3d 976, 978-79 (9th Cir. 2010);  
 18 Hendricks v. Vasquez, 908 F.2d 490, 491 (9th Cir. 1990) (stating that summary  
 19 dismissal is appropriate if allegations in habeas petition are patently frivolous).<sup>3</sup>

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23 <sup>3</sup> In his Response, Petitioner seeks an order compelling “the People of  
 24 the State of California” to “produce the contract or commercial agreement that  
 25 would give them jurisdiction over him at the time of his arrest or prosecution.”  
 26 Response at 5. Petitioner argues that “if the People are unable to show  
 27 jurisdiction in any case against the Petitioner,” then “this court shall compel  
 28 the People to state that the judgments against” Petitioner “were void from the  
 beginning.” Id. at 5-6. Because the Petition must be dismissed for the reasons  
 stated above, Petitioner’s request is DENIED.

## ORDER

Accordingly, this action is dismissed with prejudice for the reasons stated in the Magistrate Judge's February 6, 2017 Order to Show Cause and herein.

Dated: April 28, 2017



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JOSEPHINE L. STATON  
United States District Judge

Presented by:

DOUGLAS F. McCORMICK  
United States Magistrate Judge